

**ATTACHED TO MY 2018 ILLEGAL PMWHR CULL COMPLAINT:**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

BILLINGS DIVISION

July 17th, 2018

PLAINTIFF: Jerri Tillett

vs

DEFENDANTS: Bureau of Land Management (BLM)

Cause #:

Interior Board of Land Appeals (IBLA)

Department of the Interior (DOI) \_\_\_\_\_.

**MOTION FOR:**

**(1) AN IMMEDIATE PRELIMINARY INJUNCTION ("BLANKET STAY) ON THE PMWHR:**

**(2) A PETITION (APPEAL) WHICH IS PART OF MY FORMAL COMPLAINT (2018 ILLEGAL CULL):**

**INTRODUCTION:**

The following quotes are taken from my SUPREME COURT BRIEF (17-703); page 35:

*"The following excerpts are from a document that Mary Beth Devlin, a former COMPLIANCE OFFICER, prepared: Citizen-reformer Tillett, despite having legal standing, has been unable to hold BLM accountable through the court-system because that system is captive to the "deference" precedent and because BLM is corrupt, malicious, and vindictive."*

Pages 32-33: *"The Defendants can preform criminal behaviors (routine & ongoing), which are shoved into an administrative function. ... Then the Courts place these criminal behaviors that have been "laundered" into administrative function (e.g. job function) back into case law, thereby "whitewashing" all the Defendants criminal behaviors as being socially acceptable (e.g. administrative function only). That gives the Defendants (Executive Branch of the Government) a socially acceptable above-the-law and above-the-constitutional stance legal position in which to legally operate. This process constitutes the present malfeasant status quo with the total support of the Judiciary Branch of the Government. This above-the-law and above-the-constitutional stance weakens both the Constitution and the Judiciary's authority while strengthening the Executive Branch's autonomy.*

*I want to reiterate that the Court routinely addressed the Defendants' issues (e.g. the Deference Issue) and largely ignores my issues (ongoing AND routine).*

*Note that the Defendant's issues are called Material Fact, which they are, and my issues are considered as not Material Fact but they are, indeed, Material Fact, too."*

Page 46 of the SUPREME COURT BRIEF: *"F. Deemed certain documents "evidence" when submitted by the defendants but "specious alleations" when those **same documents** were cited by Plaintiff Tillett. Such maneuvering enabled the defendants to evade accountability, and the Courts, to evade review, thereby obstructing justice."*

#### **ARGUMENTS:**

##### **BLM BRITTON SPRINGS FACILITY**

I traverse the Crooked Creek Road on my daily routines. The BLM Britton Springs Facility is located on the side of the same road. I have been observing, for the past several months, the BLM's activities at that location. They have been trucking in several haystacks, corral panels, equipment, large horse trailers, etc. All of which is necessary for conducting this 2018 illegal & unnecessary Pryor Mountain Wild Horse Range (PMWHR) Cull.

##### **BLM ADMITS THE CURRENT 2018 PMWHR CULL IS ILLEGAL & UNNECESSARY**

BLM has NOT ISSUED A FINAL DECISION RECORD (DR), NOR A FONSI (FINDING OF NO SIGNIFICANT IMPACT): BOTH OF WHICH ARE NECESSARY IN ORDER TO BE A LEGAL ACTIVITY. The following are BLM quotes: *"BLM has not issued a final decision which may be appealed."* (Ms. Bruno -- BLM Lawyer) --- & --- *"On January 16, 2018 a Preliminary EA (BLM-MT-A010-2017-0055EA) was released for public comment and review. BLM is analyzing and considering the comments it received and has not yet signed a Decision Record or Finding of No Significant Impact."* (Mr. Lefevre -- Regional Manager). Both quotes can be found in FOLDER A (IBLA #: 2018 - ?).

Contrast that with the following (BLM)

BLM Web-Site: **"FY 2018 WILD HORSE AND BURRO REMOVAL BY DATE AS OF MAY 25, 2018 -- MT -- PRYOR MTN. -- 7/1/2018 - 8/30/2018 -- ANIMALS PROPOSED TO BE REMOVED (20) -- GATHER METHOD, BAIT OR WATER -- RATIONAL; IT WAS LEFT BLANK."**

This basically states the BLM as stateing *"BLM is analyzing and considering the comments it received -- [NO GATHER IMPLIED] -- and has not yet signed a Decision Record or Finding of No Significant Impact."* And yet it is CURRENTLY CONDUCTING ANOTHER ILLEGAL & UNNECESSARY GATHER [*"Horse and Burro REMOVAL ... 7/1/2018-8/30/2018 -- ANIMALS PROPOSED TO BE REMOVED (20) -- RATIONAL; IT WAS LEFT BLANK."*]

The WILD FREE-ROAMING HORSE AND BURRO ACT (of 1971) states that only EXCESS HORSES can be removed. The BLM isn't even claiming that RATIONAL (BLANK) as a justification. [As there are NO EXCESS HORSES, never were; even during the illegal culls of 2012 & 2015.] They are just doing it because they can; and THIS COURT HAS ALWAYS PREVIOUSLY AGREED WITH THE DEFENDANTS MALFEASANT BEHAVIORS. Therefore the Defendants are also violating the WILD FREE-ROAMING HORSE AND BURRO ACT: As usual.

#### BLM COVER-UP & EVASION OF REVIEW OF CONSTITUTIONAL ISSUES

The BLM & IBLA will DISMISS my IBLA Court Case, as "*as being prematurely filed*": [Not ripe for Appeal.] Basically, because the 2018 PMWHR CULL is illegal (& unnecessary); the BLM & IBLA are going to preform another COVER-UP. Please see FOLDER A: IBLA 2018-?.

Quote: "*BLM'S MOTION TO DISMISS PREMATURE APPEAL. ... Accordingly, Appellant's appeal and petition for stay should be dismissed.*" -- FOLDER A.

The COVER-UP also evades REVIEW OF CONSTITUTIONAL ISSUES: THE FIRST AMENDANT (the Right to Petition) and THE FIFTH AMENDANT (the Due Process Clause). Just like the Defendants did in 2006, 2008, and 2015. (In 2015 Judge Watters supported the Defendants illegality: CV-15-48 & 61.)

Quote (FOLDER A): "*On three previous occasions, in 2006, 2008, and 2015, Appellant attempted to appeal proposed action before BLM issued a final decision.*" -- (Bruno; page 2).

#### VIOLATIONS OF THE CONSTITUTION OF THE UNITED STATES

FIRST AMENDMENT (Right to Petition): I have a Constitutional Right to Petition. When the Defendants DISMISS my Petition "outright" (without due consideration); that negates my Constitutional Right to Petition. (Besides being another COVER-UP.) i am unable to effectively Petition.

FIFTH AMENDMENT (Due Process): There are Rules & Regulations (ie: procedures) that are in place, that determine how the PROCESS IS CONDUCTED. This is DUE PROCESS. In order to be legal; these DUE PROCESS PROCEDURES must be followed. This creates a "*fairness to all parties*" in which to conduct legal affairs in a civilized manner. The Defendants constantly circumvent this DUE PROCESS CLAUSE: Much to their advantage and with the help of the Judicial System supporting their endeavors. Thereby eroding the CONSTITUTION OF THE UNITED STATES. THIS IS A **LACK OF ACCOUNTABILITY**.

Both my FIRST and FIFTH AMENDMENT Rights were violated by the Defendants (again & ongoing).

#### BLM'S DATA IS STILL FRAUDULENT (REMAND)

Quote from FOLDER C (MBD's Comments, 1/24/2017, page 3): "**UNLIKELY THAT 2016 EVALUATION WOULD OBTAIN THE SAME READINGS AS IN 2004** --- *The scores for the six sites evaluated in 2016 per the Daubenmire transects were identical to those obtained by NRCS in 2004 using a different method. BLM referred to this unlikely scenario as having "reaffirmed" the NRCS report. **On the contrary, it appears suspicious that, 12 years later, every site would yield the same reading from different sampling techniques. Rather, the conclusion a reader might well draw is that BLM reaffirmed the NRCS data to justify reaffirming the AML.***"

THE BLM REMAND DATA IS **FRAUDULENT** (AGAIN -- OR STILL). The BLM must believe that "We-the-Public" are really unobservant or stupid to believe their Fraudulent (and illegal) tactic (data). Logically, it is scientifically impossible to receive the same findings in 2016-- a NORMAL &/OR WET CYCLE on the PMWHR -- as was obtained in 2004 -- when the PMWHR was in a DROUGHT CYCLE: 12 years earlier.

#### THE CURRENT TREND OF ACCOUNTABILITY

There is a current **TREND OF ACCOUNTABILITY**, that is happening in Governmental Circles, in Washington, DC. The General Media is avidly covering the SCANDALS and more names are added weekly (to be included in the ongoing INVESTIGATION). This **TREND OF ACCOUNTABILITY** will eventually "trickle down" to this level of Government and my Court Cases. This shall be interesting.

#### CONCLUSIONS

##### IBLA 45 DAY REGULATION

IBLA 45 DAY REGULATION: The IBLA has a Rule (often quoted & utilized against me in previous Court Cases): That once a PETITION (APPEAL) is lodged into the IBLA court -- there is an automatic 45 day STAY CYCLE. It can be eliminated prior to that, if the IBLA Rules on the PETITION; as the new Ruling would override the 45 day STAY. I have not received a IBLA Ruling (not even the IBLA Case Number, 2018-?). Therefore the IBLA STAY is still in place.

Therefore the BLM is not supposed to be conducting the illegal Cull (which it is) in opposition to their own STAY. The haystacks are being utilized and people are in residence at the Britton Springs Facility.

#### FOR THE COURT TO CONSIDER

When a "blanket" STAY (indefinite PRELIMINARY INJUNCTION) is issued by this Court, on the PMWHR; it would stop all the Defendants malfeasance, felonious behaviors, illegality, and "mayham". (Treating a Wilderness Area as it's own private agriculture "South-Fourty")

Paddock.) This Court would also benefit thereby:

**(1)** As long as the STAY was in place, and the Defendants ceased their illegal behaviors: The chances are excellent that this Court would be rid of ME. What would I have to COMPLAIN about, if the Defendants were observing the STAY and staying legal? There would be no necessity for me to go into this Court.

**(2)** The chances are also excellent (given the Defendants observe the STAY) that the Friends of Animals (FOA) would also be absent from this Court. They deal with the PMWHR horses and as long as the horses are left alone (the STAY), what would they have to COMPLAIN about?

[Hopefully the Defendants would be willing to resolve the ISSUES that "We-the-Public" have without the necessity of resorting to the Judicial System.]

**(3)** BEST OF ALL: This Court would be UPHOLDING THE LAW and SUPPORTING (in a positive manner) the CONSTITUTION OF THE UNITED STATES. HOW COOL IS THAT!

**(4)** REMINDER TO THE COURT: Without the "blanket" STAY ON THE PMWHR, this Court will see me next Spring (most likely) when the BLM has finished the BURN/POISON REMAND ISSUE and moves to burn down a perfectly good ecosystem (and the millions of lives therein); just because it can. This IBLA # 2016-260 (Burn/Poison) is located in FOLDER A.

#### REQUESTS

**(1) A "BLANKET" STAY ON THE PMWHR:** I'm Requesting a "blanket" STAY on the PMWHR. This means to basically leave the Pryor Mountain and all its ecosystems (and the lives therein) ALONE. Let NATURE come back into the forefront and "Rule-the-Mountain".

This means leaving the horses alone (no gathers nor PZP), leaving the predators alone, no Burns nor Poisons, etc. Basically; leaving the PMWHR alone (like it was before it was created -- by my family): Let it be the Wilderness Area it is.

[NOTE: Due to the increasing visitor levels, the BLM can fight a forest fire that gets started. They can also continue to perform maintenance -- to the water holes, the perimeter fence line, etc -- but not expand the BLM facilities: Passive routine maintenance duties.]

**(2) AN INVESTIGATION:** I would like to see an INVESTIGATION into the BLM Field Office. Something similar to the current INVESTIGATIONS that are happening in Washington DC. Just follow the evidence trail wherever it may lead. The Governmental Accounting Office (GAO) is acceptable to me. (Not the Inspector General's Office -- as they just cover things up -- been there, done that.)

**(3) RESTITUTION:** Because the Defendants insist on illegality, with this 2018 Cull (still), I'm asking for one-half million dollars in recompense for the illegal removal of the 20 horses. (NOTE:

The horses were way below viability status about two illegal Culls ago.)

So the one-half million dollars (after taxes) added to the previous request; now equals two million dollars (after taxes) Recompense.

**(4) DELAYED:** If the Court delays a STAY JUDGEMENT, such that a great deal of the PMWHR Cull is completed prior to the STAY being issued: Then the BLM will have to release (back onto the Range) ALL THE ILLEGALLY GATHERED HORSES -- without delay.

Respectfully submitted this 17th day of July 2018.



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